REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks. As a preliminary matter, Applicant thanks the Examiner for the courtesies extended to Applicant's representative, Scott Richardson, during the telephone interview of October 11, 2005. The finality of the pending rejection was discussed during this telephone interview. An Interview Summary is being filed in conjunction with this Amendment summarizing the discussion of the telephone interview.

Claims 13-14, 28 and 40-43 are amended herein, claims 46-50 are added, and no claims are canceled (claims 1-9 and 23-27 were previously canceled). As a result, claims 10-22 and 28-50 are pending in the application, following the entry of this Amendment.

Regarding the claims, it is noted that the Amendment of May 18, 2005 introduced a typographical error in the "associating" step of claim 10, so that the claim mistakenly read "a plurality of media input *devices* signals" instead of "a plurality of media input signals." This typographical error has been obviated in the present listing of claims.

In the pending Office Action dated August 12, 2005 claims 10-22 and 45 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent 5,945,988 (Williams) and further in view of U.S. Patent 6,263,502 (Morrison). Claims 28-44 are rejected under 35 U.S.C. §103(a) in view of Williams and further in view of U.S. Patent 5,389,963 (Leppley).

Premature Final Rejection

The standard for making a final rejection is set forth in the Manual of Patent Examining Procedure at MPEP 706.07(a), which states in relevant part:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement...

The non-final Office Action of April 7, 2005 included a §103(a) rejection of claims 43-44 in view of U.S. Patent 5,945,988 to Williams and further in view of U.S. Patent 6,263,502 to Morrison. The next Office Action of August 12, 2005, which is now pending, included a final rejection of claims 43-44 in view of the Williams patent and further in view of U.S. Patent 5,389,963 to Leppley. Since these claims were not amended following the Office

Action of April 7, 2005 the final rejection is not necessitated by applicant's amendment and the rejection is not based on information submitted in an information disclosure statement. Therefore, it is respectfully submitted that the finality of the pending rejection is not proper. Withdrawal of the final rejection is requested.

Williams / Morrison §103 Rejection

It is respectfully submitted that the §103(a) rejection of claims 10-22 and 45 in view of the Williams / Morrison hypothetical combination cannot be maintained for at least the following reasons.

In the rejection of claims 10-22 and 45 the Office Action relies upon the Williams patent, contending that Williams teaches a number of the claim features. Some of these contentions have been traversed in Applicant's arguments of previous papers. (For the sake of brevity, these arguments won't be repeated here, and are instead incorporated by reference.) The Office Action acknowledges that Williams does not disclose that a modified signal is transmitted to the presentation device.[1] The Office Action then contends that the Morrison patent overcomes this deficiency of Williams. This contention is traversed.

The features relied upon in the Morrison patent, if combined with the Williams patent, would not operate in accordance with the claimed invention. The device described in Morrison operates in the following manner.

> The auto pilot feature which comprises the present invention operates in television systems such as that shown in FIG. 3 having electronic program guides (EPGs). Electronic program guides are available from a number of sources such as StarSight™ and Thomson DSS™. These sources store program information data which viewers can access to determine what is and what will be showing on the various channels. The present invention uses a computer processor within the television to tap into this EPG data and look for information pertaining to characteristics of the program such as the topic and theme of the program. If this information is available, the system will gather it and compare it against a pre-defined table in the television's memory. If a match occurs the television will automatically change the audio and video settings to match those in the table based on the program data thereby yielding the optimal viewing conditions.[2] (Morrison, Col. 2, lines 48-64. See Col. 5, lines 18-34).

[1] Office Action of 8/12/2005, page 4.
[2] Morrison, col. 2, lines 48-64. See col. 5, lines 18-34.

The Morrison patent fails to overcome the deficiency of the Williams patent for at least two reasons.

Firstly, Morrison does not teach "transmitting said modified one media input signal to said presentation device," as recited in claim 10. Instead of transmitting a modified signal, Morrison adjusts the television to "change the audio and video settings to match those in the table based on the program data thereby yielding the optimal viewing conditions."[3] It is evident that the Morrison device adjusts the settings of the television, rather than modifying the media signal and transmitting, since, if the user does not like the predefined settings chosen by the Morrison device for a particular program, the user can change the TV settings manually. The Morrison patent expressly states this:

> These settings are then retrieved automatically and the contrast is adjusted to 2, the color level remains at 0, and the brightness set to 4 while the audio processor is set to Stadium Surround™, the bass is adjusted to +2, and the treble remains at 0. If the viewer is dissatisfied with any of these settings then any setting can be subsequently manually adjusted.[4]

Hence, the Morrison patent adjusts the settings of the TV (e.g., the volume setting, contrast setting, brightness setting, etc.) instead of transmitting a modified media input signal. **In the event this rejection is maintained, it is respectfully requested that the next paper from the Office point to any teaching in the Morrison patent pertaining to "transmitting said modified one media input signal to said presentation device," as recited in claim 10.**

Secondly, even, *arguendo*, if the Morrison device could possibly be extensively modified to somehow transmit a modified signal, it would still not transmit "said" modified one media input signal, as recited in claim 10. The modified signal recited in the claim is one of a plurality of signals which are each associated with a setting value. By contrast, the Morrison device operates on the signal derived from the RF input 100 to its tuner assembly 102, as shown in Figure 2 of Morrison. In order to look up the stored settings for a program, the Morrison device must access that program's EPG data. Since EPG data is required for the look-up table, the Morrison can only provide predefined setting values television signals it receives, and not for the signals which are merely ported through its VIDEO IN and AUDIO IN jacks, as shown in Figure 3 of the Morrison patent.

---

[3] Morrison, col. 2, lines 61-64.

Accordingly, it is respectfully submitted that the Williams patent and the Morrison patent, either taken singly or as a hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejection is requested.

Williams / Leppley §103 Rejection

It is respectfully submitted that the §103(a) rejection of claims 28-44 in view of the Williams / Leppley hypothetical combination cannot be maintained for at least the following reasons.

The Office Action acknowledges that the Williams patent does not disclose that the modified signal is transmitted to the presentation device. In fact, Office Action acknowledges that "Williams only discloses sending control signals to manually adjust the television."[5] The secondarily cited patent to Lepley involves a system for selectively interconnecting a plurality of audio/video sources and a plurality of audio/video communication devices. The Lepley patent does not include any teaching related to modifying a media input signal, and therefore does not transmit a modified media input signal. Consequently, Lepley does not overcome the aforementioned deficiency of the Williams patent.

In the event this rejection is maintained, it is respectfully requested that the next paper explain how either the Williams patent or the Lepley patent are being construed to purportedly teach "modifying said one media input signal in accordance with one of said setting values," as recited in claim 10.

Accordingly, it is respectfully submitted that the Williams patent and the Lepley patent, either taken singly or as a hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejection is requested.

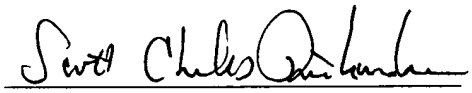
---

[4] Morrison, col. 3, lines 37-45.
[5] Aug. 12, 2005 Office Action at page 4.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, should there remain any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, at telephone number (703)739-0573 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Scott Charles Richardson
Registration No. 43,436

Olds, Maier & Richardson, PLLC
128 North Pitt Street, 2nd Floor
Alexandria,VA 22314
1.703.740.8322

Date: October 31, 2005